

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,) No. ED95519
Plaintiff/Respondent,) Appeal from the Circuit Court
v.) of the City of St. Louis
ALI ELLIS,) Honorable Donald L. McCullin
Defendant/Appellant.) Date: December 20, 2011

Defendant appeals from a judgment entered after the trial court found him guilty of possession of a controlled substance, in violation of section 195.202 RSMo (2000). The trial court sentenced defendant to three years imprisonment, suspended execution of sentence, and placed defendant on two years probation. On appeal, defendant challenges the admission of the controlled substance into evidence after the denial of his motion to suppress.

AFFIRMED.

Division Two Holds:

1. Under binding precedent in Missouri at the time of defendant's arrest, a search of a person incident to a lawful arrest included the search of items on the person of the arrestee.
2. The good faith exception applies because, although Gant had been decided several months prior to the arrest, Gant applied to vehicle searches, and no binding precedent had extended Gant to searches of persons.

Opinion by: Kathianne Knaup Crane, P.J.
Lawrence E. Mooney, J. and Kenneth M. Romines, J., concur.

Attorneys for Respondent: Chris Koster and Jayne T. Woods

Attorney for Appellant: Jo Ann Rotermund

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
